

In The Matter Of Certificate Of Service No. A-23439

Issued to: TORD JENTOFT

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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TORD JENTOFT

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 11 August, 1951, an Examiner of the United States Coast Guard at Port Arthur, Texas, revoked Certificate of Service No. A-23439 issued to Tord Jentoft upon finding him guilty of misconduct based upon six specifications alleging in substance that while serving as able seaman on board the USNS MISSION CARMEL under authority of the document above described, on or about 30 June through 6 August, 1951, while said vessel was at sea or in various foreign ports, he failed to perform his regular duties on five different occasions; he used profane and threatening language directed toward the Chief Mate and the Master; and he assaulted the Master.

At the time of the service of the charge and specifications Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised that the hearing would be conducted in his absence if he was not present at the designated time and place on 11 August, 1951, Appellant did not put in an appearance. For this reason, the hearing was conducted "in absentia" in accordance with Title 46 Code of Federal Regulations 137.09-5(f).

The Examiner entered a plea of "not guilty" on behalf of the person charged to the charge and each of the six specifications. Thereupon, the Investigating Officer made his opening statement and introduced in evidence the testimony of the Master and Chief Mate of the MISSION CARMEL as well as entries from the official log book of the ship concerning Appellant's conduct.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by proof of the six specifications and entered the order revoking Appellant's Certificate of Service No. A-23439 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is requested that leniency be granted in the form of a suspension instead of revocation since Appellant was prevented by illness from attending the hearing and presenting evidence of mitigating circumstances. The appeal also points out Appellant's good record and the fact that he did not have any trouble during his first voyage on this vessel for a period of eight months.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

Between 29 June and 7 August, 1951, Appellant was serving as able seaman on board the USNS MISSION CARMEL and acting under authority of his Certificate of Service No. A-23439 while said vessel was at sea and in various Japanese or Korean ports in the course of a foreign voyage.

On 30 June, 1951, while at Kure, Japan, Appellant failed to stand his scheduled watch from 0800 to 1200 due to being under the influence of alcoholic beverages; on 1 July, at Kure and 11 July, 1951, at Ulsan, Korea, Appellant was not aboard to stand his scheduled watches from 2000 to 2400; on 9 July, at Ulsan and 6 August, 1951, while at sea Appellant failed to turn to and perform his duties during the regular working hours.

On 9 July, 1951, when the Chief Mate asked Appellant why he had not been on the job between 1100 and 1200, Appellant berated the Chief Mate with disrespectful and threatening language. Appellant said that he had been going to sea for thirty years, was a better sailor than the Chief Mate, and that it would be better if the Chief Mate did not go ashore at San Pedro because Appellant would "get" him if he did.

At about 0830 on 6 August, 1951, the Master and Chief Mate approached Appellant and asked him why he had not turned to at 0800. Appellant was under the influence of alcohol and he directed profane, abusive and threatening language towards the Master who then ordered that Appellant be confined until he was sober. This was done but Appellant escaped from the hospital and again commenced threatening the Master. Appellant became extremely wild and incoherent and two members of the crew held him. Despite this restraining influence, Appellant continually lunged at the Master and managed to butt him on the chest with Appellant's head. The Master then ordered the Chief Mate to put Appellant in irons. He was handcuffed to a bunk in the hospital until he became rational several hours later. At intervals throughout this episode, Appellant repeatedly threatened the Master with the words: "I will kill you." After having recuperated, Appellant apologized to the Master and stated that he must have been temporarily insane.

Appellant is fifty-seven years of age and has never before during his thirty-seven years as a seaman been subjected to disciplinary action for any offense other than an admonition received by him in 1944 for failure to return to his ship.

OPINION

There is no doubt that proof of the allegations contained in the six specifications would be sufficient, under ordinary circumstances, to sustain the order of the Examiner. The revolt against the authority of the Master was a serious breach of discipline which, in itself, merits the imposition of a severe order. The Master's authority aboard his ship is supreme and he should be shown the respect due to his position.

The Master testified that when Appellant started drinking, he caused a lot of trouble and became a dangerous man to have aboard ship. But the Master also substantiated Appellant's claim that he had been on the ship for eight months prior to causing any trouble. It seems likely from these facts, together with Appellant's many years at sea with a practically unblemished record, that all of the trouble arising during the five weeks period covered by the specifications evolved from excessive indulgence in alcoholic drinks. Considering the relatively short period of time during which these events took place as compared with Appellant's total years of service, it does not seem fair to deprive him of his livelihood rather than recognizing the probability that this was merely a temporary lapse on his part which will not occur for another equal period of time. Presumably, he then will have retired and, therefore, not be in a position to endanger the lives of seamen and property which it is the purpose of these proceedings to protect.

ORDER

The order of the Examiner dated 11 August, 1951, is modified to suspend Certificate of Service No. A-23439, and all other valid licenses, certificates of service and documents issued to Appellant, for a period of twelve (12) months. The first six (6) months of this suspension shall be outright but the last six (6) months shall not be effective provided no charge under R.S. 4450, as amended (46 U.S.C. 239), is proved against Appellant for acts committed within twelve (12) months of the termination of the outright suspension.

If this probation is violated, the order for which probation was granted shall become effective with respect to all Merchant Mariner's Documents, certificates, and licenses here involved, and also any Merchant Mariner's Document, certificate, or license acquired by you during the period of probation, at such time as designated by any Coast Guard Examiner finding the violation, and may be added to or form a part of any additional order which is entered by such Examiner.

As so MODIFIED, said order of the Examiner is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 14th day of November, 1951